

*Establish  
Parentage For  
Your Child's Sake...*



# What Every Parent Should Know

*Every parent should  
contribute to the needs  
of their child. Every  
child deserves to know  
his or her legal parents  
and to claim the rights  
and benefits that come  
with this knowledge.*



Washington State  
Department of Social  
& Health Services

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**DCS** Division of Child Support



## **Why should I establish parentage?**

It is important to create a legal relationship between the parents and a child. Determining the legal parents benefits the child. Some of these benefits are:

- Family doctors can better help the child when they know the child's full family medical history.
- Government benefits such as social security and veteran's dependent benefits may be available to the child.
- Medical insurance for the child may be available through the father's health plan.
- Life insurance policies and other inheritance benefits could be available.
- Both parents give financial support.

## **How can I establish parentage?**

There are several ways to establish legal parentage.

### ***Marriage or a registered domestic partnership***

If a child is born during a marriage or during the existence of a registered domestic partnership, the child is presumed to be the child of that marriage or domestic partnership. This creates a "presumption of parentage". This presumption can be overcome by a properly filed Paternity Acknowledgment or a court order.

### ***Paternity Acknowledgment***

The Paternity Acknowledgment is a legal form that allows paternity to be established voluntarily through an acknowledgment process. A Paternity Acknowledgment is signed by the mother of the child and a man claiming to be the genetic father of the child. State law considers the man who signs the form to be the legal father of the child. Both the mother and the man wishing to have paternity established must sign the form and it must be notarized. It must be filed with the Washington State Department of Health, Center for Health Statistics (DOH). Hospitals can provide the form and information, notary services, and send the form to DOH for you. DOH will name the man who signs the form as the legal father on the birth certificate.

## ***Court Order***

Outside of the voluntary paternity acknowledgment process, a court determines legal parentage.

## **Establishing Parentage using a Paternity Acknowledgment form**

### **Why should I sign a Paternity Acknowledgment?**

The form is a low-cost, legal way to establish paternity. Sign the form only when both the man and the mother are sure the man is the only possible father of the child.

### **Where can I sign a Paternity Acknowledgment form?**

Most parents sign the form at a hospital, a birthing clinic, or at home under the care of a midwife.

- If you need help, the hospital, midwife, or birthing clinic staff person can answer your questions, help you complete the form, notarize the form, and send the form to DOH. DCS offices, banks and local health departments can also notarize the form.
- If you sign the Paternity Acknowledgment form within 5 days of your child's birth, you will not need to pay a fee to file the form.
- If you do not sign the form at the hospital, you can get the form at your local county health department or any Division of Child Support (DCS) office. Call DCS at 800-442-KIDS (5437) and ask the receptionist to mail you the form.

### **Can I get a Copy of my Paternity Acknowledgment form?**

Yes. DOH keeps the official record of forms. Call DOH at 360-236-4300 and ask for a copy or find out the date that DOH filed the form. DOH charges a fee for copies.

### **What are my legal rights when I sign a Paternity Acknowledgment form?**

When you sign a form, federal law says you must receive both written and oral information about your rights and

responsibilities. A statement of your rights and responsibilities is on the back of the form. It is important that you understand what it says. Read the statement and do one of the following:

- Watch a video at the hospital, birthing clinic, your local health department, or any DCS office.
- Listen to automated Paternity Acknowledgment information by calling 800-356-0463.
- Ask someone to read the statement to you.

**Do not sign the form until you receive and understand both the written and oral information.**

### **Can I sign the Paternity Acknowledgment even if I am under age 18?**

Yes. A Paternity Acknowledgment signed by a minor is legal. State law holds minors (people under the age of 18) who sign the form to the same degree of responsibility as adults.

### **What if I am not sure I want to sign the Paternity Acknowledgment form?**

Sign the form only if you know for sure that you are the only possible natural father of the child. You should talk to an attorney. If you decide not to sign the acknowledgment, you can ask the court to establish parentage. If you have questions, you can call DCS. DCS cannot give you legal advice.

### **Can I change my mind after I sign the form?**

Either the man or the woman can ask a court to take the man's name off the birth record. The legal word for having your name removed from the birth record is "rescind." If you were age 18 or older when you signed the form, you must file an action in court to rescind the acknowledgment within a maximum of 60 days after the date DOH files the form. If you were a minor when you signed the paternity acknowledgment, you must file an action in court to rescind the acknowledgment on or before your 19th birthday. If you are going to court to try to rescind the paternity acknowledgment, you must ask DOH for a certified copy of

your signed acknowledgment. To get a certified copy, you need to show proof of your identity and pay a fee. Call DOH to find out the fee amount.

## **Do I have to hire an attorney to rescind the Paternity Acknowledgment?**

You must file in court to rescind the Paternity Acknowledgment. You can do this yourself or with the help of an attorney. If the court allows the rescission, DOH will remove your name from the birth certificate.

## **What if I change my mind and 61 or more days pass after the date DOH files the acknowledgment?**

Either the man or the woman can challenge the acknowledgment in court. If you file an action to challenge the acknowledgment because you believe that you are not the parent, there are limited reasons that a court will hear your case. You may have to prove that you signed the acknowledgment because of fraud, duress, or material mistake of fact. You have only 4 years to start an action to challenge the Paternity Acknowledgment in court from the date it was filed with DOH.

## **What happens if the mother is married to someone else or in a registered domestic partnership?**

If the mother is married or in a registered domestic partnership during the pregnancy, the husband or domestic partner is presumed (believed) to be the other parent if the child is born:

- during the marriage or registered domestic partnership
- within 300 days after the end-of-the marriage or registered domestic partnership.

If the mother's husband or domestic partner agrees to let a man sign as the father, the man who claims to be the father may sign the Paternity Acknowledgment. The mother's husband or domestic partner must sign a Denial of Paternity or the Paternity Acknowledgment is not legal.

# Establishing Parentage in Court

## When should the court establish parentage?

You should go to court when you believe there is more than one possible father or other possible parents.

## Other reasons for using the courts to establish parentage:

- If either the man or the woman is unsure about signing the acknowledgment
- If the woman's husband or domestic partner is unwilling to sign a denial

## How do I open a parentage case in court?

The state can establish parentage for your child if you apply for paternity establishment services with DCS. Call DCS at 800-442-KIDS (5437) or the nearest DCS office for more information.

If DCS accepts your case, we will refer your case to a county prosecuting attorney. The prosecutor acts on behalf of your child and cannot represent you in court or give you legal advice. The prosecutor can answer general questions about your parentage case. You must tell us if the child is receiving public assistance or medical assistance.

DCS also has access to some tribal courts to establish paternity in certain tribal cases.



You should ask an attorney for answers to legal questions and for representation in court. If you do not want DCS services, you or your attorney may file a parentage action with the court that has jurisdiction over your case.

## **How do I establish parentage in court?**

If the state is trying to establish parentage, a county prosecutor will usually serve legal papers on the possible fathers. The prosecutor or the court will require the mother, possible fathers, and the child to have genetic tests. The court may enter an order establishing parentage.

## **What is a genetic test and do I need to be tested?**

Genes are part of our bodily tissues. They carry traits passed from parents to their child. Genetic tests compare genes. If certain genes match, the parent and child are related. Genetic tests for paternity are very accurate.

Genetic tests look at different parts of the father's, mother's, and child's tissue collected by swabbing the inside of their mouths. A genetic testing lab issues a report explaining if the man is the likely biological father. The court often requires a genetic test if there is more than one possible father.

## **Are there costs to establish parentage in court?**

- If the county prosecutor establishes parentage in court on a DCS case, you do not pay a filing fee. There may be other costs associated with establishing parentage in court.
- If you hire an attorney, you are responsible for fees and court costs.
- If a man is determined to be the father, the court may order him to pay the genetic testing costs or other court costs.



## **More Things You Need to Know**

### **How do I establish parenting rights such as custody and visitation?**

Only the courts can address legal custody and visitation issues. This is done with a Parenting Plan/Residential Schedule. If you and the other parent cannot decide on custody or visitation issues, contact an attorney, mediator or court facilitator.

- To talk with a mediator, call Resolution Washington, a statewide group of Dispute Resolution Centers at 800-280-4770.
- To find a court facilitator, call your local Superior Court Clerk's office.

For more information call DCS and ask for the brochure titled, "What can I do so I can see my kids or see them more often? Child Support, Visitation and Custody."

### **Can I establish parentage if the father or mother lives in a different state?**

Yes. A father or mother living in another state can sign the Paternity Acknowledgment. Other states work with DCS to get a parentage order for children born in or outside of Washington State.

### **Who can help me establish parentage or answer my questions?**

- Call 800-442-KIDS (5437) or see the back of this brochure for the phone number of a DCS office near you.
- Talk to an attorney.
- Call 1-888-201-1014 to CLEAR (Coordinated Legal Education, Advice and Referral system).
- If you live in King County, call the King County Bar Association at 206-623-2551 to ask about low cost legal help.



## DCS Offices

***Everett***                      **800-729-7580**  
**425-438-4800**

***Kennewick***                      **800-345-9981**  
**509-374-2000**

***Olympia***                      **800-345-9964**  
**360-664-6900**

***Seattle***                      **800-526-8658**  
**206-341-7000**

***Spokane***                      **800-345-9982**  
**509-363-5000**

***Tacoma***                      **800-345-9976**  
**253-597-3700**

***Vancouver***                      **800-345-9984**  
**360-696-6100**

***Wenatchee***                      **800-535-1113**  
**509-886-6800**

***Yakima***                      **800-441-0859**  
**509-249-6000**

**Headquarters**                      **800-457-6202**  
**360-664-5000**

**E-mail**                      **[dcscru@dshs.wa.gov](mailto:dcscru@dshs.wa.gov)**

